

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/corner Woodside Avenue * DEPUTY ZONING COMMISSIONER
(1830 Woodside Avenue) * OF BALTIMORE COUNTY
13th Election District *
1st Councilmanic District * Case No. 88-462-A
P & W Properties, Inc. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 36 feet in lieu of the required 50 feet and a side yard setback of 20 feet in lieu of the required 30 feet for Unit E, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Wayne E. Garrity, President, appeared, testified and was represented by Counsel, Paul J. Redmond, Esquire. There were no Protests.

Testimony indicated that the subject property, known as 1830 Woodside Avenue, is zoned B.R.-C.S.1. The Petitioner testified that he purchased the property at foreclosure in October 1987 and that at that time, the building as depicted on Petitioner's Exhibit 1 existed. Mr. Garrity testified that based upon the information set forth in the appraisal of the property obtained by the Petitioner, Unit E has existed since prior to the 1945 zoning regulations and may date back as far as 1875.

The Petitioner testified that prior to his purchase of the property, the buildings were used as apartments but due to violations filed against the property, their use as apartments was terminated in approximately July 1987. Mr. Garrity testified that he proposes to renovate the Unit E for use as a showroom and office space for his plumbing business. He testified that his business could suffer tremendous hardship if the variances were not granted as the building cannot be saved if strict compliance with the zoning regulations is required.

quired.

The Petitioner seeks relief from Sections 238.1 and 238.2 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of June, 1988 that the Petition for Zoning Variance to permit a front yard setback of 36 feet in lieu of the required 50 feet and a side yard setback of 20 feet in lieu of the required 30 feet for Unit E, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 6/3/88
By [Signature]

-3-

June 3, 1988

Paul J. Redmond, Esquire
405 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/corner Woodside Avenue and Washington Boulevard
(1830 Woodside Avenue)
13th Election District; 1st Councilmanic District
P & W Properties, Inc. - Petitioner
Case No. 88-462-A

Dear Mr. Redmond:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs
Enclosures

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE #308
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-462-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.1 To allow a front yard setback of 36 feet in lieu of the required 50 feet for Unit E, and 238.2 To allow a side setback of 20 feet in lieu of the required 30 feet for Unit E.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Your petitioner purchased the subject property at auction on 10/5/87 with the intention of completely renovating all buildings and saving them from condemnation at a cost of over \$93,000.00. The existing buildings were built over 25 years ago and because of subsequent subdivision of the property, now violate the setback requirements. None of the adjoining owners would be adversely affected by a variance of the setback requirements your petitioner would experience an extreme economic hardship if a variance is denied.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) P & W Properties, Inc.
Signature Wayne E. Garrity, President
Address 405 Allegheny Avenue
City and State Towson, Maryland 21204
Attorney for Petitioner: Paul J. Redmond
(Type or Print Name)
Signature [Signature]
Address 405 Allegheny Avenue
City and State Towson, Maryland 21204
Attorney's Telephone No.: 825-1099
Address 405 Allegheny Avenue
City and State Towson, MD 21204
Phone No. 825-1099

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of March, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 24th day of May, 1988, at 11 o'clock A.M.

(over)

#308
Beginning for the same and being known and designated as Lot 470 on the original Plat of Halethorpe which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1, folio 60, and being intended to comprise Lots 470 and 470 and 1/3 on the amended Plat of Halethorpe which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 48 which were granted and conveyed by William C. Katenkamp to Charles L. Boyer and Hattie Boyer, his wife, by Deed dated August 11, 1924 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 596, folio 383, and also Lot 470 and 2/3 on the amended Plat of Halethorpe recorded as aforesaid granted and conveyed by Abe Panitz to Charles L. Boyer and Hattie Boyer, his wife, by Deed dated September 1, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 544, folio 481. The improvements thereon being sometimes known as 1830 Woodside Avenue.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 13th
Posted for: [Signature]
Petitioner: P & W Properties, Inc.
Location of property: NW Corner of Woodside Ave. and Washington Blvd.
Location of Signs: NW Corner of Woodside Ave. and Washington Blvd.
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1
Date of Posting: May 4, 88
Date of return: May 6, 88

"DUPLICATE"
CERTIFICATE OF PUBLICATION
TOWSON, MD, May 5, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 5, 1988.
THE JEFFERSONIAN,
Susan Shindler Obrecht
Publisher
37.50

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52744
DATE 5/24/88 ACCOUNT R-01-615-000
AMOUNT \$ 86.17
RECEIVED FROM P & W Properties, Inc.
FOR: Petition for Zoning Variance 88-462-A
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50206
DATE 3-24-88 ACCOUNT R-01-615-000
AMOUNT \$ 100.00
RECEIVED FROM Paul J. Redmond
FOR: Petition for Zoning Variance 88-462-A
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your petition has been received and accepted for filing this 9th day of March, 1988.
J. Robert Haines
ZONING COMMISSIONER
Petitioner: P & W Properties, Inc.
Petitioner's Attorney: Paul J. Redmond
Chairman, Zoning Plans Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Date: 5/7/88



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
Case Number: 88-462-A
NW/C Woodside Avenue and Washington Blvd.
(1830 Woodside Avenue)
13th Election District - 1st Councilmanic District
Petitioner(s): P & W Properties, Inc.
HEARING SCHEDULED: TUESDAY, MAY 24, 1988 at 11:00 a.m.

Dear Mr. Redmond:

Please be advised that \$86.17 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

March 23, 1988



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case Number: 88-462-A
NW/C Woodside Avenue and Washington Blvd.
(1830 Woodside Avenue)
13th Election District - 1st Councilmanic District
Petitioner(s): P & W Properties, Inc.
HEARING SCHEDULED: TUESDAY, MAY 24, 1988 at 11:00 a.m.

Variance to allow a front yard setback of 35 feet in lieu of the required 50 feet for Unit E and 238.2 to allow a side setback of 20 feet in lieu of the required 30 feet for Unit E.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Paul J. Redmond, Esquire
405 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 308 - Case No. 88-462-A
Petitioner: P & W Properties, Inc.
Petition for Zoning Variance

Dear Mr. Redmond:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

3-16-88-1

March 10, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
P & W Properties
Incorporated
Zoning Meeting 3/8/88
NW corner of
Washington Boulevard
Maryland Route 1
and Woodside Avenue
Item # 308

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a front yard setback of 36' in lieu of the required 50' for unit "B" and also to permit a side setback of 20' in lieu of the required 30' for unit "B", the State Highway Administration-Bureau of Engineering Access Permits finds the site plan generally acceptable with no direct access to Washington Boulevard.

If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Charles J. Mills, Jr.
Charles J. Mills, Jr.
Acting Chief Bureau of
Engineering Access Permits

LB/es

cc: House Renovations
J. Ogle

RECEIVED
MAR 15 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

March 10, 1988



Dennis F. Rasmussen
County Executive

Re: Property Owner: P & W Properties, Inc.

Location: NW/c Woodside Avenue & Washington Blvd.

Item No.: 308 Zoning Agenda Meeting of 3/8/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: April 13, 1988

FROM: P. David Fields
Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-462-A

Since all of the units are existing, this office offers no comment.

P. David Fields per J. H. Haines
P. David Fields
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 15 1988

ZONING OFFICE

cc: Paul J. Redmond, Esq.

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

September 22, 1988



Dennis F. Rasmussen
County Executive

Paul J. Redmond, Esquire
405 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/Corner Woodside Avenue and Washington Boulevard
(1830 Woodside Avenue)
13th Election District; 1st Councilmanic District
P & W Properties, Inc. - Petitioner
Case No. 88-462-A

Dear Mr. Redmond:

This letter will confirm our telephone conversation on Wednesday, September 21, 1988 on the above-captioned matter.

As discussed, when the decision on the subject case was being posted on our zoning maps, the technician discovered an error in the zone lines as depicted in Petitioner's Exhibit 1 which was submitted in connection with this case. It will therefore be necessary for you to review the file with our Zoning Coordinator's Office to determine what action, if any, can be taken by the Petitioner in an effort to resolve this matter. Please contact Mr. Carl Richards, Zoning Coordinator, 494-3391, at your earliest convenience to schedule an appointment.

In the meantime, the Zoning Office will not release any building permits for the subject property until such time as this matter is resolved. If deemed appropriate, any permits which have been issued to date may be rescinded.

If you have any further questions on the subject, please do not hesitate to contact this office.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Carl Richards
Case File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 22, 1989



Dennis F. Rasmussen
County Executive

Paul J. Redmond, Esq.
Hellman, Redmond & Daniels
405 Allegheny Avenue
Towson, Maryland 21204

Re: Case #88-462-A
NW/Cor Washington Blvd. & Woodside Avenue
1830 Woodside Avenue
P & W Properties, Inc.

Dear Mr. Redmond:

A copy of our correspondence dated March 22, 1989 is enclosed for your convenience.

Please contact this office at your earliest opportunity regarding the status of this matter.

Very truly yours,

W. Carl Richards
W. Carl Richards
Zoning Coordinator

WCR:gs

Redraw w/ Below
Resubmit + Am up to [unclear] → into another drawing
Add "18,000 = Res use" P^8 -462-A info, order!
 $\frac{12\frac{1}{2}}{27\frac{1}{2}}$ H
Remove $\frac{12\frac{1}{2}}{27\frac{1}{2}}$ BRV no square
For Redmond, Esq, WCL
& Myself
F.W.
12-16-88
2:15 PM
Approved

Needed on Plans

1) Breakdown of sq ft:
→ of fice 700^{sq}, Retail 390^{sq} & Storage 1000^{sq}.

2) A Note: ... Customers ^{ONLY} allowed in 300' Park

3) "Business office" (not good)
^{LABEL}
^{ONLY}

4) Rest of Bldg. = For employees only
→ ~~300 sq ft~~ window 14x for ea. employee
or possibly
no add'l % employees (if employees in bus office
Some one that work in warehouse).

drawn
PK - 5) Residential 2 units + 6 rigid

(Per [unclear]
Hardingpart)

6) Ready Line
replicated
2x .55
d Density, medium.
6,000 x 3 (lots) 18,000

7) Single (w.o. =) 2nd Line + Label BH + DLS-55 on Line
add. 500

8) If don't meet area then SPT for Non Conform Use. (Plan to
redo yr old... S, d.e. units = built in 50'a.

Mixed Vacuum / pugh
= 27.27
Max Conversion Res Units to Warehouse Engr
12,000 sq. ft. net 18,000 (units vs registration 2000)

9) Breakdown between Plan, Common use → ; Res use → 26

HELLMAN, REDMOND & DANIELS
ATTORNEYS-AT-LAW
405 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

STANLEY H. HELLMAN
PAUL J. REDMOND
LAWRENCE R. DANIELS
* ALSO ADMITTED TO PRACTICE IN:
DISTRICT OF COLUMBIA
CONNECTICUT
HAWAII

February 22, 1989

RECEIVED
FEB 24 1989

ZONING OFFICE

Mr. John J. Sullivan
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Re: Case No. 88-462-A
Northwest corner Woodside Avenue and
Washington Boulevard
Site Plan

Dear Mr. Sullivan:

Enclosed please find ten copies of the site plan as requested by you.

Please be advised that the DR 5.5 use equals 18,073 square feet and that the BR use equals 9,737 square feet.

Please feel free to give me a call should you have any additional questions with regard to this.

Thank you very much for your continuing cooperation.

Very truly yours,

Paul J. Redmond

PJR/csb
Enc.
cc: Mr. Wayne E. Garrity



